

Pro Se 4 (Rev. 12/16) Complaint for a Civil Case Alleging Breach of Contract

UNITED STATES DISTRICT COURT

for the

Southern District of NEW YORK

Division

18CV6972

Case No.

(to be filled in by the Clerk's Office)

Jury Trial: (check one)



Yes



No

RECEIVED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
2018 AUG -2 PM 1:36TANYA JEAN-BAPTISTE

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

TOWN Sports International, LLCDefendant(s) Holdings

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE ALLEGING BREACH OF CONTRACT
(28 U.S.C. § 1332; Diversity of Citizenship)

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

Tanya Jean-Baptiste1725 Fulton Ave Apt 4BBRONXNEW YORK, 10457646 353 7185TJEANBAPTISTE@GMAIL.COM

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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Defendant No. 1

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Town Sports International, LLC
Holdings
~~Elmsford Ave~~ 399 Executive Blvd
Elmsford, NY 10523

Defendant No. 2

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Defendant No. 3

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Defendant No. 4

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Under 28 U.S.C. § 1332, federal courts may hear cases in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000. In that kind of case, called a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff. Explain how these jurisdictional requirements have been met.

A. The Plaintiff(s)

1. If the plaintiff is an individual

The plaintiff, (name) TANYA JEAN-BAPTISTE, is a citizen of the
State of (name) NEW YORK.

2. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated
under the laws of the State of (name) _____,
and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

B. The Defendant(s)

1. If the defendant is an individual

The defendant, (name) _____, is a citizen of
the State of (name) _____. Or is a citizen of
(foreign nation) _____.

2. If the defendant is a corporation

The defendant, (name) TOWN Sports International LLC, is incorporated under
the laws of the State of (name) DELAWARE, and has its
principal place of business in the State of (name) _____.
Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

C. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

The plaintiff, (name) TANYN JEAN-BAPTISTE, and the defendant, (name) TOHN Sports International, LLC, made an agreement or contract on (date) 2.17.2017. The agreement or contract was (oral or written) WRITTEN. Under that agreement or contract, the parties were required to (specify what the agreement or contract required each party to do) PROVIDE A SAFE WORK ENVIRONMENT, CONFLICT RESOLUTION SERVICES, KIRKER'S COMPENSATION AND FAILURE TO PAY PERSONAL TIME OFF OR PROVIDE AN EXIT INTERVIEW

The defendant failed to comply because (specify what the defendant did or failed to do that failed to comply with what the agreement or contract required)

ON OR ABOUT 3 AUG 2017, THERE WAS A LEAK OF SEWAGE IN THE CLUB WHEN MANAGEMENT WAS CALLED, DIRECTED ME TO TAKE PICTURES AND PUT GARBAGE CANS UNDER THE LEAK, HOWEVER NO ADEQUATE SOLUTION WAS GIVEN, AND I SPENT 5 HOURS REMOVING SEWAGE AND TOXINS FROM THE LEAK. - SEE PAGE 2.
The plaintiff has complied with the plaintiff's obligations under the contract.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

THE PHYSICAL AND MENTAL DAMAGE CAUSED FROM WORKING AT THIS COMPANY ARE IRREVERSIBLE AND PRICELESS. HOWEVER, I AM SEEKING \$1.5 million IN DAMAGES AT THIS TIME.
THE STRESS THIS ENVIRONMENT PUT IN MY HEALTH ARE INNUMERATIVE. DOCTOR'S BILLS, LOST HOURS AND THE ASSUMPTION THAT THESE WOULD BE TAKEN CARE OF AMOUNT TO AN ABOUT \$5000.00
I AM ENTITLED TO THIS AMOUNT BECAUSE THIS COMPANY TOOK MORE
THAN IT GAVE IN ANY INCOME RECEIVED. IT IS UNCLEAR IF THE DAMAGES

Pro Se 8 (Rev. 12/16) Complaint for Violation of Fair Labor Standards

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

Page 2

② ON OR ABOUT 21 FEB 2017, A glass window in the general manager's office was shattered overnight. A couple of weeks later, it was confirmed that a current employee and a past employee had caused the damage. As a result, the current employee was not reprimanded or made to handle the damages in any way. Subsequently, safety concerns arose as my office was directly adjacent to the damaged window.

③ On May 7, 2018, I contacted HR for the last time to inform her that I had received 2 threats of physical harm from current employees. I notified her of the incidents and informed her that upper management was aware of the situation, however, due to the lack of response I resigned from my position due to safety concerns. She said "they will have to investigate and get back to me with a solution." TSI, she failed to report back to me or provide me

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

T. Jean-B August 2018

Signature of Plaintiff

Printed Name of Plaintiff

T. Jean-B
Tanya Jean-BARTISTE

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

CIVIL COURT OF THE CITY OF NEW YORK

APPLICATION FOR A SUMMONS

PARTIES

PLAINTIFF: Please print your name, complete address, including your apartment number (no P.O. box number) and telephone number. [Please note: If the claim is based on an auto accident, the claim must be **Owner** against **Owner**]. A Corporation must be represented by an attorney.

TANYA STACEY JEAN-BAPTISTE
1725 FULTON AVE #4B
BRONX, NY 10457
246-353-7185

DEFENDANT(S): Please print the full legal name and street address (no P.O. box number) of the party(ies) you are suing. Indicate whether you are suing this party as a person or a business. [Please note: If you are suing a business, indicate whether it is a partnership, a corporation or an individual with a business certificate. This information can be obtained in the County Clerk's Office in the county in which the business is located. Failure to check this information may result in a judgment which cannot be executed.]

CLAIM

REASON FOR CLAIM:

Damage cause to: ☐ automobile☒ person☐ property other than automobileFailure to provide: ☐ repairs☒ proper service☐ goods orderedFailure to return: ☐ security☐ property☐ deposit ☐ moneyFailure to pay for: ☐ wages
☐ rent☐ services rendered
☐ commissions☒ insurance claim ☐ money loaned
☐ goods sold and deliveredBreach of: ☒ contract☐ leaseLoss of: ☐ luggage☐ property☐ time from work ☐ use of propertyReturned: ☐ check (bounced)☐ merchandise (not reimbursed)

Other: (Be brief)

DETAILS OF CLAIM:

Amount of Claim: (Limit \$25,000 for each Cause of Action) \$ 1,500,000.00Date of Occurrence: Nov 2017 - May 2018Place of Occurrence: 270 8th Ave, NYC 10011 and 62nd + Broadway location

If Car Accident: YOUR license plate #

DEFENDANT'S license plate #

Identifying Number(s):

(Receipt #, Claim #, Account #, Policy #, Ticket #, etc.)

2 Aug 2018

Date

x

Tanya Stacey Jean-Baptiste

Signature of Plaintiff